

STATE OF FLORIDA
DEPARTMENT OF HEALTH

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DEPARTMENT OF HEALTH

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OFFICE OF THE CLERK

2010 JAN 28 A 10:37
Department of Health,

Bureau of Onsite Sewage
Programs,

Petitioner,

vs.

Jason Simmons, dba Twins
Septic Services, Inc.,
Respondent.

DUVAL COUNTY

DIVISION OF
ADMINISTRATIVE
HEARINGS

Rendition no.: DOH-10-0211 -FOF-HST

Registration no.: SR0081591

Authorization no.: SA0081474

DOAH case no.: 09-1130

FINAL ORDER


A recommended order having been received, this matter is before Department of Health for disposition. At issue is the citation charging the Respondent, a registered septic tank contractor, with multiple statutory and rule violations. The duty to regulate and register septic tank contractors is given to the Department of Health by Chapter 489, *Contracting, Part III, Septic Tank Contracting*, sections 489.551 through 489.558, Florida Statutes. The regulatory and disciplinary rules for septic tank contractors are found in *Standards for Onsite Sewage Treatment and Disposal Systems*, chapter 64E-6, Florida Administrative Code.

The Administrative Law Judge finds as follows: the cited violations were proved by clear and convincing evidence, there is no evidence to warrant mitigation of the penalty, and a fine of five thousand dollars (\$5,000) should be imposed. I concur. The recommended order of December 10, 2009, is adopted and incorporated by reference.

Based on the foregoing, a fine of five thousand dollars (\$5,000) is imposed. Payment in full of the fine is due no later than 30 days after the filing date of this final order.

DONE and ORDERED this 26th day of January 2010 in Tallahassee, Leon County, Florida.

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

By: 
Shairi Turner, M.D., M.P.H.
Deputy Secretary for Health

NOTICE

A PARTY ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. A REVIEW PROCEEDING IS GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. A REVIEW PROCEEDING IS INITIATED BY FILING A NOTICE OF APPEAL WITH THE CLERK OF THE DEPARTMENT OF HEALTH AND A COPY ACCOMPANIED BY THE FILING FEE WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES OR THE FIRST DISTRICT COURT OF APPEAL. THE NOTICE OF APPEAL MUST BE FILED WITHIN 30 DAYS OF THE FILING DATE OF THIS FINAL ORDER.

Copy to each of the following:

Catherine R. Berry, Esquire
Department of Health
900 University Blvd., N., suite 710
Jacksonville, Florida 32211

Hon. P. Michael Ruff
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Jason Simmons
Twins Septic Services, Inc.
1288 Village Green Court
Jacksonville, Florida 32234

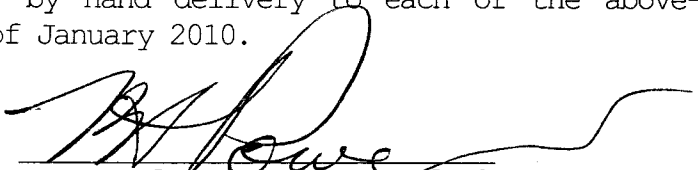
Dale Holcum, Acting Bureau Chief
Department of Health
Onsite Sewage Program
4052 Bald Cypress Way, bin A-08
Tallahassee, Florida 32399-1713

Scott Turner
Duval County Health Department
Environmental Health
900 Univ. Blvd., N., room 323
Jacksonville, Florida 32211

FALR

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing FINAL ORDER has been served by ordinary mail via the United States Postal Service, inter-office mail, electronic transmission, or by hand delivery to each of the above-named persons this 26th day of January 2010.


R. Samuel Power, Agency Clerk
Department of Health
4052 Bald Cypress Way, bin A-02
Tallahassee, Florida 32399-1703
phone: (850)245-4005